Plaintiff's Name: Willie Stewart Jr.
CDC No: P14596
Address: Pleasant Valley State Prison
P.O. Box 8501, Coalinga, CA 93210

FILED
JUL - 9 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

UNITED STATES DISTRICT COURT
Southern DISTRICT OF CALIFORNIA

Willie Stewart Jr., Plaintiff, vs. James Yates, Warden Defendant(s).	APPLICATION TO PROCEED IN FORMA PAUPERIS BY A PRISONER CASE NUMBER: 08CV1177-BTM(NLS) SCN079629 D047990, S144845

I, Willie Stewart Jr., declare that I am the plaintiff in the above-entitled proceeding; that, in support of my request to proceed without prepayment of fees under 28 U.S.C. section 1915, I declare that I am unable to pay the fees for these proceedings or give security therefor and that I am entitled to the relief sought in the complaint.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ✓ Yes __ No (If "no" DO NOT USE THIS FORM)

If "yes" state the place of your incarceration. Pleasant Valley State Prison

Have the institution fill out the Certificate portion of this application and attach a certified copy of your prison trust account statement showing transactions for the past six months.

2. Are you currently employed (includes prison employment)? __ Yes ✓ No

a. If the answer is "yes" state the amount of your pay. ______

b. If the answer is "no" state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer.
Salinas Valley State Prison 07-09-07 $14.00 per month
P.O. Box 5010 Kitchen Worker
Soledad, Ca 93960-5010

3. Have you received any money from the following sources over the last twelve months?

a. Business, profession, or other self-employment: __ Yes ✓ No

b. Rent payments, interest or dividends: __ Yes ✓ No

c. Pensions, annuities or life insurance payments: __ Yes ✓ No

d. Disability or workers compensation payments: ___ Yes ✓ No

e.. Gifts or inheritances: ✓ Yes ___ No

f. Any other sources: ___ Yes ✓ No

If the answer to any of the above is "yes," describe by that item each source of money. Also state the amount received and what you expect you will continue to receive. Please attach an additional sheet if necessary. [redacted] FRIEND $50.00 (NONE-EXPECTED)

4. Do you have cash (includes balance of checking or savings accounts)? ___ Yes ✓ No

If "yes" state the total amount: ______________

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? ___ Yes ✓ No

If "yes" describe the property and state its value: ______________________

6. Do you have any other assets? ___ Yes ✓ No

If "yes," list the asset(s) and state the value of each asset listed:

7. List all persons dependent on you for support, stating your relationship to each person listed and how much you contribute to their support. Child (whatever possible)

I hereby authorize the agency having custody of me to collect from my trust account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. section 1915(b)(2).

June 22, 2008
DATE

SIGNATURE OF APPLICANT

CERTIFICATE

(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of $0 __________ on account to his/her credit at Pleasant Valley State Prison (name of institution). I further certify that during the past six months, the applicant's average monthly balance was $ 0 __________. I further certify that during the past six months, the average of monthly deposits to the applicant's account was $0 __________.

(Please attach a certified copy of the applicant's trust account statement showing transactions for the past six months).

6/23/08
DATE

SIGNATURE OF AUTHORIZED OFFICER

INFORMATION TO PRISONERS SEEKING LEAVE TO PROCEED WITH A CIVIL ACTION IN FEDERAL COURT IN FORMA PAUPERIS PURSUANT TO 28 U.S.C. § 1915

In accordance with 1996 amendments to the in forma pauperis (IFP) statute, **AS A PRISONER YOU WILL BE OBLIGATED TO PAY THE FULL FILING FEE OF $250.00 FOR A CIVIL ACTION, $5.00 FOR A HABEAS CORPUS PETITION, OR $255.00 FOR AN APPEAL.**

If you have the money to pay the filing fee, you should send a cashier's check or money order to the court with your complaint, petition, or notice of appeal.

If you do not have enough money to pay the full filing fee when your action is filed, you can file the action without prepaying the filing fee. However, if you have available funds, **THE COURT WILL ASSESS AN INITIAL PARTIAL FILING FEE** at the time your action is filed. The initial partial filing fee will be equal to **20 PERCENT OF THE AVERAGE MONTHLY DEPOSITS TO YOUR PRISON OR JAIL ACCOUNT FOR THE SIX MONTHS** immediately preceding the filing of the lawsuit, or **20 PERCENT OF THE AVERAGE MONTHLY BALANCE IN YOUR PRISON OR JAIL ACCOUNT FOR THAT SAME SIX MONTH PERIOD**, whichever is greater. The court will order the agency that has custody of you to take that initial partial filing fee out of your prison or jail trust account if there are available funds, and to forward the money to the court.

Whether or not the initial partial filing fee has been paid, **YOU WILL OWE THE BALANCE OF THE FILING FEE.** Until the amount of the filing fee is paid in full, **EACH MONTH YOU WILL OWE 20 PERCENT OF YOUR PRECEDING MONTH'S INCOME TOWARD THE BALANCE.** The agency that has custody of you will collect that money and send payments to the court any time the amount in the account exceeds $10.00. The balance of the filing fee will be collected even if the action is later dismissed, summary judgment is granted against you, or you fail to prevail at trial.

In order to proceed with an action in forma pauperis you must complete the attached form and return it to the court with your complaint, habeas corpus petition, or appeal. You must have a prison or jail official complete the Certification section at the end of the form and attach to the form a certified copy of your prison or jail account statement for the last six months. If you submit an incomplete form or do not submit a prison or jail account statement with the form, your request to proceed in forma pauperis will be denied.

Regardless of whether some or all of the filing fee has been paid, the court is required to screen your complaint and to dismiss the complaint if (1) your allegation of poverty is untrue, (2) the action is frivolous or malicious; (3) your complaint does not state a claim on which relief can be granted, or (4) you sue a defendant for money damages and that defendant is immune from liability for money damages.

If you file more than three actions or appeals while you are a prisoner which are dismissed as frivolous or malicious or for failure to state a claim on which relief can be granted, you will be prohibited from bringing any other actions in forma pauperis unless you are in imminent danger of serious physical injury.

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PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS
PLEASANT VALLEY STATE PRISON
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: DEC. 23, 2007 THRU JUN. 23, 2008

ACCOUNT NUMBER : P14596 BED/CELL NUMBER: AFB2T1000000127L
ACCOUNT NAME : STEWART, WILLIE JR ACCOUNT TYPE: I
PRIVILEGE GROUP: B

TRUST ACCOUNT ACTIVITY

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	0.00	0.00

CURRENT AVAILABLE BALANCE
0.00

THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.
ATTEST:
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY
TRUST OFFICE